

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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No. 3:12-cv-02037

**EXHIBIT 3 TO RESPONSE TO PLAINTIFFS'
MOTION FOR SANCTIONS**

Plaintiff's initial disclosures

SM 132

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE
KINGREY, and SANDRA McCOLLUM,
individually and as heirs at law to the Estate of
LARRY GENE McCOLLUM,

PLAINTIFFS

v.

BRAD LIVINGSTON, JEFF PRINGLE, and the
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE.

DEFENDANTS

CIVIL ACTION NO.
3:12-cv-02037

PLAINTIFF'S INITIAL DISCLOSURES

Plaintiffs make these initial disclosures as required by Fed. R. Civ. P. 26(a)(1)(A). Plaintiffs reserves the right to supplement these initial disclosures at any time.

- 1. The names and, if known, the address and telephone number of each individual likely to have discoverable information--along with the subjects of that information--that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;**

For every person Plaintiffs identify, they provide the individual's last known mailing address, business address, phone number, or unit.

Sandra McCollum
c/o Jeff Edwards
The Edwards Law Firm
The Bremond Houston House
706 Guadalupe
Austin, Texas 78701
Tel. 512-623-7727

Sandra McCollum is Mr. McCollum's surviving spouse and a Plaintiff in this lawsuit. She visited Mr. McCollum at Parkland Hospital and observed his condition.

Stephanie Kingrey
c/o Jeff Edwards
The Edwards Law Firm
The Bremond Houston House
706 Guadalupe
Austin, Texas 78701
Tel. 512-623-7727

Stephanie Kingrey is a Mr. McCollum's daughter and a Plaintiff in this lawsuit. She visited Mr. McCollum at Parkland Hospital.

Stephen McCollum
c/o Jeff Edwards
The Edwards Law Firm
The Bremond Houston House
706 Guadalupe
Austin, Texas 78701
Tel. 512-623-7727

Stephen McCollum is Mr. McCollum's son and a Plaintiff in this lawsuit. He visited Mr. McCollum at Parkland Hospital.

Ronny McCollum
140 Castillo Village Rd
Waco, TX 76708
Tel. 254-644-2820

Ronny McCollum is Mr. McCollum's brother. He visited Mr. McCollum at Parkland Hospital.

Terry McCollum
116 W. Karnes Drive
Waco, Texas 76706
Tel. 254-662-3741

Terry McCollum is Mr. McCollum's brother. He visited Mr. McCollum at Parkland Hospital.

Peggy McCollum
140 Castillo Village Rd
Waco, TX 76708
Tel. 254-644-2820

Peggy McCollum is Mr. McCollum's sister-in-law. She visited Mr. McCollum at Parkland Hospital.

Michelle McCollum
116 W. Karnes Drive
Waco, Texas 76706
Tel. 254-662-3741

Michelle McCollum is Mr. McCollum's sister-in-law. She may have visited Mr. McCollum at Parkland Hospital.

Brad Livingston
Executive Director
Texas Department of Criminal Justice
209 W. 14th St.
Austin, TX 78701
Phone: (512) 463-9988

Brad Livingston is a Defendant in this lawsuit and the executive director of the Texas Department of Criminal Justice. He will have knowledge of TDCJ policy, and decisions made regarding air conditioning at TDCJ facilities.

Jeffrey Pringle
Warden
Hutchins State Jail
1500 East Langdon Road
Dallas, TX 75241

Jeffrey Pringle is a Defendant in this lawsuit and the warden at Hutchins State Jail, where Mr. McCollum was incarcerated when he went into heat shock.

Professor James Balsamo
Tulane University
Office of Environmental Health & Safety (OEHS)
1430 Tulane Avenue, TW-16
New Orleans, LA 70112-2699 Phone: (504) 234-6968
Email: jbalsam@tulane.edu

Professor James Balsamo is a professor at Tulane University and the Director of Tulane's Environmental Health and Safety. Plaintiffs may call him as an expert witness at trial.

The Honorable Sylvester Turner
Room: CAP 1W.06, Capitol
P.O. Box 2910
Austin TX 78768

Mr. Turner is a Texas State Representative who contacted the Texas Department of Criminal Justice regarding his concern for inmates and staff exposed to extreme heat in the summer of 2011.

Jason Clark
TDCJ Public Information Officer
TDCJ – Executive Services
P.O. Box 99
Huntsville TX 77342
(936) 437-6052

Jason Clark is a custodian of records for the Texas Department of Criminal Justice.

Carolyn McMillian
Death Records Coordinator
University of Texas Medical Branch—Managed Care
262 FM 3478
Ste. B
Huntsville, TX 77320-3323
Phone: (936) 439-1342
Fax: (936) 439-1350

Carolyn McMillian is a records custodian for the medical provider at the prison where Mr. McCollum died.

Kieth Pinckard, M.D., Ph.D.
Medical Examiner
Office of the Medical Examiner
Southwestern Institute of Forensic Science at Dallas
5230 Medical Center Drive
Dallas, TX 75235
Phone: (214) 920-5941

Kieth Pinckard performed Mr. McCollum's autopsy and wrote his autopsy report.

Chett Schrader, MD
Lance S. Terada, MD
Jonathan Martin Hopkins
Joseph Young
Craig M. Davis
Dr. Kevin Ross Davidson, MD
Dr. Jarvis

Dr. Tito M. Orig, MD
Parkland Hospital Health and Hospital System
5201 Harry Hines Blvd.
Dallas, Texas 75235

The above are medical professionals who treated Mr. McCollum after he was admitted to Parkland Hospital prior to his death.

Yonette Gilford
Ananda D. Babbili, PA-C
Kimberly Weaver

The above are employees of the University of Texas Medical Branch who provided care to Mr. McCollum at the prison.

Dr. Owen Murray
Correctional Managed Care
University of Texas Medical Branch
(409) 747-5508

Dr. Charles Adams
Correctional Managed Care
University of Texas Medical Branch
(281) 595-3481

Dr. Murray and Dr. Adams are physicians with knowledge of UTMB policies and procedures in the Correctional Managed Care program which treated Mr. McCollum at the prison.

Margarita de la Garza-Graham, M.D., Chairperson, CMHCC
Tyler, Texas

Harold K. Berenzweig, M.D., Member, CMHCC
Texas Health Harris Methodist Hospital
Fort Worth, Texas

Billy Millwee, Medicaid Director, Ex Officio Member, CMHCC
Department of Health & Human Services
Austin, Texas

Ben G. Raimer, M. D., Member, CMHCC
Senior Vice-President for Health Policy and Legislative Affairs
UTMB
Galveston, Texas

Cynthia Jumper, M.D., Member, CMHCC
Texas Tech University Health Sciences Center (TTUHSC)
Associate Dean for Managed Care and Health Care System
Lubbock, Texas 79430

Lannette Linthicum, M. D., Member, CMHCC

Texas Department of Criminal Justice (TDCJ)
Division Director for Health Services
Huntsville, Texas 77340

The above people are members of the Correctional Managed Health Care Committee, who are appointed to oversee medical care provided to TDCJ prisoners. They are responsible for developing policies governing prisoner health care.

Various Medical Professionals, Students, and Pastoral Visitors
Parkland Health & Hospital System
5201 Harry Hines Blvd.
Dallas, TX 75235

Numerous other professionals, students, and/or volunteers provided Mr. McCollum with medical and spiritual care while he was at Parkland Hospital. These include the following individuals, who were mentioned in the Parkland Records and the McCollum UTMB Medical Records documents:

Medical Professionals:

Sheila Smith; Velva McKinny, LVN; N. Beckstron, NP, Crain Triage, Carlos E. Glrod, MD; Jennifer Jane; Wendy Campbell, RD LD, CNSD; A. J. Kunnathusseril, RN; Jennifer Lyne Jarvie, MD; Elan Petrosyan, RD LD; Gagandeep Singh, MS III; Hai Chen, MD, PHD; Zhen Yan, MD PHD; Charles Taylor Owens, MD, Internal Medicine; Daniel D. Avia, Technologist; Dianne B. Mendelsohn, MD; Robert Marsden Blanch, MD; Jesse E. Jones, Technologist; Michael W. Laughlin, MD; Lauren Michelle Laprade, Technologist; John P. O'Neill, Technologist; Clifton W. Hooser, MD; Jana White, Technologist; George C Curry, MD; Lon M Stone, Technologist; Michael W. Laughlin, MD; Ivonne Garcia, Technologist, Michael W. Laughlin, MD; Sujana George, Technologist; Ryan Edward Beracky, MD; Douglass Sims, MD; Hai Duc Nguyen, Technologist; Susan Gilchrist Lakoski, MD; Jason M Alford, Technologist; David P Chason, MD; Jamie Perry Josheph, MD; Robert H. Epstein, MD; Kevin Davidson, MD; Mathew Dickson, Reviewing Fellow; Kim Luann Rickert, MD; Benjamin Paul Boudreaux, MD; Thresiamma Kurian; Sylvia Choice; Lisa Sue Thornton, RN; Jennifer L. Lakowski-Brueckner, FNP; Bradley M. Richards, PA-C; Rachael Marie Doak, RN; Rachel Elizabeth Ledger, RN; Alberlardo Alfonso Martinez-Rumayor, MD; Tayo A. Addo, MD; Marilyn L. Sigman, Nuerodiagnostic Technician; Marianne Bellena Raygon, RN; Claudia S. Flores-Lopez, RN; Megan Kristine Ruedebusch, RN; Joychan P. Joseph, RN; Ana Marie Frederick, RN; Wendi Campbell, RD, LD; Ashley M. Dunnier, RN; Ezinne Jessica Onyejiaka, RN; Elen Petrosyan, RD, LD, CNSC; David E. Mendoza, RN; Mike A. Signer, MD; Tina Marie Harris, RN; Nichole Joelle Zahand, RN; Kim Luann Rickert, MD; Shan Renee Huang, MD; Kelly Lillian Droke, RN; Sara C. Hjelm, RP; Chalon H. Holls, RN; Ameen Abdulla Salahudeen, MD; Francis E. Edaki, PHARM; Rebecca Lynn-Roy, MD; Brent Leland Bachim, MD; Ryan Edward Berecky, MD; Anita Grewal Holtz, MD; Andres Tores; July Philip; Marilyn L. Signman; Chalon H. Hollas, RN; Melissa Erin Herve, RN; Jungsu Lee, RN; Ashley Marie Menge, RN; Mashingailze, RCP; Carol Bailey, RCP; Debra D. Callaway, RCP; Hector Sanchez, Patient Care Assistant; Mark Lowe, RCP; Kerri Robertson, RCP; Celestine Anyanka, RN; Daniel Ellis, Student Nurse; John

Osborne, RCP; Jessica E Lara, RN; Uche Nwazue, Patient Care Assistant; Wali Zazay, RCP; Jonathan Moore, Student Nurse; James Dunlap, RPH; Kathryn Ann Matkovich, RN; Maria Elisa Varela, RCP; Maclong Tony Tran, MD; Phuong D. Nguyen, RCP; Paulita Gallegos Jimenez; Ursula Patrice Merriweather, RN; Maryra Irlanda Armijo; Laneeka A Allen; Roosevelt Scaggs, RN; Kathleen McLean, RN; Dr. Valley, MD; Dr. Newton, MD; Dr. Ramirez, MD.

Pastoral Visitors:

Ross Prater, W. Rho, Barbara E. McElroy, Victor M. Machiano, Kristi Click, Ana Marie Wilson, Crystal L. Horne, Martin Mbugua.

J. Smith, MA
Texas Department of Criminal Justice

J. Smith completed Mr. McCollum's intake processing psychological screening interview when he entered the Texas Department of Criminal Justice system.

Gina E. Stokes, RN
Texas Department of Criminal Justice

Gina Stokes may have been involved with Mr. McCollum's medical care while he was in the Texas Department of Criminal Justice's custody.

Roy Storie
Texas Department of Criminal Justice
Administrative Review and Risk Management Department
P. O. Box 99
Hunstville, TX 77342-009
Phone: (936) 437-4839
Fax: (936) 437-4843

Roy Storie was the safety officer at the Hutchins Unit, and inspected the prison dorms and made records of the temperature and the availability of fans. He shared this information with numerous parties, including Plaintiff Jeff Pringle.

Lieutenant Smith
Major May
Texas Department of Criminal Justice
Contact information unknown

These correctional officers at the prison received Roy Storie's report on temperatures in prisoner housing.

Debbie Heyden
Texas Department of Criminal Justice
Contact information unknown

Debbie Heyden sent an email on 8/16/11 to Texas Department of Criminal Justice employees to remind them to take precautions because of the heat.

The following Texas Department of Criminal Justice Employees instructed other employees on heat safety at the Hutchins Unit:

Lt. Travess, Lt. Brown, Sgt. Gonner, Sgt. Stilwed, Sgt. Altara, Sergeant Coger, Onie McGrady, J. Teague, V. Sterl, T. Chapman, Lynch, Rlenhart, Dword, Maint, K. Skeens, K. Howell, K. Moore, E. Smith, L. Hollins, McKinny, R Storie.

Various unidentified Texas Department of Criminal Justice Employees participated in this training.

Balden Polk
Assistant Warden
Hutchins State Jail
1500 E. Langdon Rd.
Dallas, TX 75241
Phone: (972) 225-1304

Balden Polk is the assistant warden at Hutchins State Jail. He spoke with Mr. McCollum's family while he was at Parkland Hospital and appears to have been in charge of Mr. McCollum's bedside guards. He also may have made decisions regarding when and whether Mr. McCollum's family could visit him at Parkland Hospital.

Officer Phillips
Contact information unknown

A male guard with the last name of Phillips stood at Mr. McCollum's bedside while he was at Parkland Hospital.

Officer Norris
Contact information unknown

A female guard with the last name of Norris stood at Mr. McCollum's bedside while he was at Parkland Hospital.

Officer Sanders
Contact information unknown

A female guard with the last name of Sanders stood at Mr. McCollum's bedside while he was at Parkland Hospital.

Captain Sessions
Contact information unknown

Captain Sessions was involved in the investigation of Mr. McCollum's death.

2. **A copy--or a description by category and location--of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;**

Plaintiff includes electronic copies of the following documents with his initial disclosures on a CD:

Hutchins Unit Public Information Documents—contains records regarding the conditions of various dorms in prisons managed by the Texas Department of Criminal Justice, created by Roy Storie. Also contains records of heat safety training sessions conducted by the Texas Department of Criminal Justice Hutchins Unit Risk Management Department. *Bates Nos. 001383-001641.*

Turner Letter 8-12-11—a letter from Texas State Representative Sylvester Turner regarding his concerns for the inmates and guards exposed to extreme heat. Dated 8/12/11. *Bates No. 000008.*

Livingston Letter to Turner 8-16-12—Defendant, Brad Livingston's, response to a letter from Texas State Representative Sylvester Turner. Dated 8/16/11. *Bates Nos. 000027-000028.*

McCollum UTMB Medical Records—contains medical records created by UTMB employees while Mr. McCollum was in their care, including as prescription orders, lab reports, and notes from healthcare professionals and pastoral visitors. Also contains Mr. McCollum's autopsy and death report. *Bates Nos. 000052-000155.*

Parkland Records—contains medical records created by Parkland Hospital employees while Mr. McCollum was in their care, including prescription orders, and lab reports, and notes from healthcare professionals and pastoral visitors. *Bates Nos. 000155-001205.*

Stephanie Kingrey's Journal—contains an account of Stephanie Kingrey's thoughts and experiences during Mr. McCollum death and illness. Dated 7/22/11 through 8/22/11. *Bates Nos. 000009-000029.*

Anonymous Letter and Envelope—contains statements from an anonymous Texas Department of Criminal Justice employee regarding the conditions in the Hutchins Unit. *Bates Nos. 000157-000159.*

McCollum Autopsy—contains Mr. McCollum's autopsy and a correspondence from Carol McMillian, Death Records Coordinator. *Bates Nos. 00002-00007.*

Audio Recording of McCollum Family Conversation with Officer Phillips—a recording of a conversation between members of the McCollum family and Officer Phillips regarding Mr. McCollum's hospitalization. *Bates Nos. 001378.*

Grievance Ronald Chase 6/18/12—an official grievance filed by a Texas Department of Criminal Justice Inmate regarding inmates' exposure to excessive heat. *Bates Nos. 000028-000029*.

CY2007 - CY2012 Deaths All Manners - Turner - Redacted—contains data regarding the names, manner, and number of inmates who died in the Texas Department of Criminal Justice's custody *Bates Nos. 001206-001373*.

McCollum Letter—a letter Mr. McCollum wrote to his family from prison before he passed away. *Bates Nos. 001375-001377*.

- 3. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

Plaintiffs, individually and on the behalf of the Estate of Larry Gene McCollum, assert claims for actual and punitive damages, in an amount to be determined by the jury. Actual damages include funeral and burial expenses, lost future earnings, past and future mental anguish, and past and future loss of companionship, society, services, and affection with Larry Gene McCollum. Plaintiff will seek post-judgment interest at the highest rate allowable under the law.

Plaintiff has also reserved the right to seek attorneys' fees and costs. Plaintiff will produce to Defendants records of attorneys' fees and costs at any time, although this matter is typically resolved post-judgment.

- 4. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Plaintiff is not aware of any insurance agreements.

Dated: November 2, 2012.

Respectfully Submitted,

The Edwards Law Firm
The Bremond Houston House
706 Guadalupe
Austin, Texas 78701
Tel. 512-623-7727
Fax. 512-623-7729

By /s/ Jeff Edwards
JEFF EDWARDS

State Bar No. 24014406
Lead Counsel

/s/Scott Medlock

Scott Medlock

State Bar No. 24044783

James C. Harrington

State Bar No. 09048500

Wayne Krause

State Bar No. 24032644

TEXAS CIVIL RIGHTS PROJECT

1405 Montopolis Drive

Austin, TX 78741

(512) 474-5073 [phone]

(512) 474-0726 [fax]

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that on November 2, 2012, I sent the foregoing to Defendants' counsel, Bruce Garcia,
PO Box 12548, Capitol Station, Austin, TX 78711 via CMRRR 7011 2000 0002 6120 0590.

/s/ Scott Medlock

Scott Medlock